

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VICKI PIONTEK	:	CIVIL ACTION
	:	
v.	:	
	:	
BB&T CORPORATION	:	NO. 10-2133

MEMORANDUM

Fullam, Sr. J.

June 7, 2010

In this case, which was removed to this Court by the defendant, the plaintiff alleges that she was charged a fee for using an automated teller machine operated by the defendant, despite the lack of a fee notice required by federal law. The machine in question is located in Bowie, Maryland. The defendant has filed a motion to dismiss, arguing that it has no contacts with Pennsylvania that would subject it to jurisdiction in this forum and that, in any event, it does not operate any automated teller machines, in Maryland or elsewhere.

The plaintiff has not responded to the motion, which I will grant. The affidavit from a corporate official represents that the company conducts no business in Pennsylvania. Based on this information, which is not disputed, I decline to exercise personal jurisdiction over the defendant. Although I do not dismiss the case based on the representations that the defendant does not operate automated teller machines, I have taken that

information into consideration in deciding not to transfer the case to another jurisdiction.

An order will be entered.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.

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ORDER

AND NOW, this 7th day of June 2010, upon consideration of the defendant's Motion to Dismiss, to which no response has been filed, IT IS ORDERED:

That the Motion is GRANTED. The case is DISMISSED as this Court lacks personal jurisdiction over the defendant. The Clerk is directed to mark the case-file CLOSED.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.